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To: Commissioner for Patents for Examiner Jeffrey R. Swearingen Group Art Unit 2145	Facsimile No.: 571/273-8300
From: Stephanie Fay Legal Assistant to Betty Formby	No. of Pages Including Cover Sheet: 5
Message: Enclosed herewith: <ul style="list-style-type: none">• Transmittal Document; and• Reply Brief.	
Re: Application No. 09/895,233 Attorney Docket No: AUS920010492US1	
Date: Friday, December 16, 2005	
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DEC 16 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Craddock et al.

Serial No.: 09/895,233

Filed: June 29, 2001

For: End Node Partitioning Using
Local Identifiers§
§
§
§
§
§

Group Art Unit: 2145

Examiner: Swearingen, Jeffrey R.

Attorney Docket No.: AUS920010492US1

35525

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By:


Stephanie FayTRANSMITTAL DOCUMENTCommissioner for Patents
P.O. Box 1450
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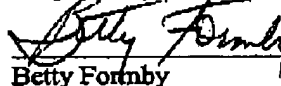
Sir:

ENCLOSED HEREWITH:

- Reply Brief (37 C.F.R. 41.41).

No fees are believed to be required. If, however, any additional fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,



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P.O. Box 1450
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on December 16, 2005.

By:


Stephanie Fay

REPLY BRIEF (37 C.F.R. 41.41)

This Reply Brief is submitted in response to the Examiner's Answer mailed on November 1, 2005.

No fees are believed to be required to file a Reply Brief. Any required petition for extension of time for filing this brief and fees therefore, are dealt with in the accompanying TRANSMITTAL OF REPLY BRIEF.

Reply Brief Page 1 of 3
Craddock et al. - 09/895,233

REMARKS

The Examiner's Answer contained several new statements that Appellants believe need to be addressed. In the Response to Arguments section, the Examiner states:

Applicant's argument centered around the fact that the Examiner admitted to not placing weight on the word "virtual" in the claim language referring to "virtual representations", for example in claim 1. However, the Examiner has found no definition within Applicant's disclosure that defined what Applicant means by "virtual representation." The additional limitation of "virtual representations" could have been treated as a new matter rejection by the Examiner. However, the Examiner still contends that the Shah reference meets all aspects of claim group 1 without the additional new matter rejection being added.¹

Although the Examiner did not, in fact, reject the claimed "virtual representations" as new matter, he has apparently used that possibility as another reason to ignore this feature. Appellants have used the recitation of "virtual representations of said physical element" as a means of describing multiple virtual elements that represent, or "map" to, a single physical element. Because these are virtual elements, they are only "representations" of the physical element. Any confusion with regard to this recitation is regrettable; however, Appellants assert that one of ordinary skill in the art would understand that, for example, virtual representations of a switch would be virtual switches, while virtual representations of a channel adapter would be virtual channel adapters. Further, one of ordinary skill in the art would understand that these "virtual" elements are conceptualizations that provide a convenient means for discussing and managing the physical elements. With that in mind, attention is directed to Figure 6, which is described as "a physical component with virtual channel adapters and virtual switches". One of ordinary skill in the art would understand that the multiple virtual channel adapters and multiple virtual switches shown in this figure can represent a single physical channel adapter and a single physical switch. Thus, the subject matter of "virtual representation" is not new matter to the application, but is a recited feature of the claim that should receive weight when considering patentability.

¹ Examiner's Answer, page 8, lines 2-7

Appellants further take exception to the following statement from the Examiner's Response to [Appellant's] Argument on page 8 of the Examiner's Answer:

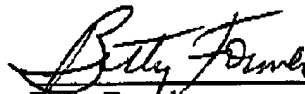
... Different service levels were supported. (Shah, column 8, lines 64-67). Applicant failed to define "access control levels" or "unique access control levels" within the specification. One of ordinary skill in the art would interpret "access control level" to be a service level.²

It is noted that the excerpt of **Shah** that was cited in this rejection discloses the following:

... a path from port A to port B traversing a set of switches and links is not necessarily identical to the reverse path from port B to port A using the exact same set of switches and links. The same set of links and switches may support different service levels in each direction and these are path attributes that need to be analyzed by the manager in each direction.³

Appellants note from this excerpt that the "service levels" mentioned in the patent are attributes of the path between ports. This is in contrast to the recited "access control levels", which are attributes of the virtual representations of the physical element. Thus, one of ordinary skill in the art would not see the service levels of Shah as being the same as the access control levels that are recited in exemplary claim 1. Consequently, this feature is not shown in Shah.

Respectfully submitted,


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² Examiner's Answer, page 8, lines 20-22

³ Shah, column 8, lines 61-67